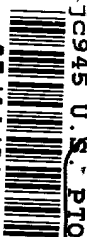


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PTO/SB/05 (11-00)

Approved for use through 10/31/2002. OMB 0651-0032

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**UTILITY
PATENT APPLICATION
TRANSMITTAL**

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Attorney Docket No.	28122.89
First Inventor	Gregory Murphy
Title	VENTRICULAR RESTORATION SHAPING APPARATUS AND METHOD OF USE
Express Mail Label No.	EL828064127US

09/864510



05/24/01

APPLICATION ELEMENTS

See MPEP chapter 600 concerning utility patent application contents.

ADDRESS TO: Assistant Commissioner for Patents
Box Patent Application
Washington, DC 20231

1. ☒ Fee Transmittal Form (e.g., PTO/SB/17)
(Submit an original and a duplicate for fee processing)
2. ☒ Applicant claims small entity status.
See 37 CFR 1.27.
3. ☒ Specification [Total Pages **30**]
(preferred arrangement set forth below)
 - Descriptive title of the invention
 - Cross Reference to Related Applications
 - Statement Regarding Fed sponsored R & D
 - Reference to sequence listing, a table, or a computer program listing appendix
 - Background of the Invention
 - Brief Summary of the Invention
 - Brief Description of the Drawings (if filed)
 - Detailed Description
 - Claim(s)
 - Abstract of the Disclosure
4. ☒ Drawing(s) (35 U.S.C. 113) [Total Sheets **17**]
5. Oath or Declaration [Total Pages **1**]
 - a. ☐ Newly executed (original or copy)
 - b. ☐ Copy from a prior application (37 CFR 1.63 (d))
(for continuation/divisional with Box 18 completed)
 - i. ☐ **DELETION OF INVENTOR(S)**
Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b).
6. ☐ Application Data Sheet. See 37 CFR 1.76

7. ☐ CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix)
8. Nucleotide and/or Amino Acid Sequence Submission (if applicable, all necessary)
 - a. ☐ Computer Readable Form (CRF)
 - b. Specification Sequence Listing on:
 - i. ☐ CD-ROM or CD-R (2 copies); or
 - ii. ☐ paper
 - c. ☐ Statements verifying identity of above copies

ACCOMPANYING APPLICATION PARTS

9. ☐ Assignment Papers (cover sheet & document(s))
10. ☐ 37 CFR 3.73(b) Statement of Power of Attorney (when there is an assignee)
11. ☐ English Translation Document (if applicable)
12. ☐ Information Disclosure Statement (IDS)/PTO-1449
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) (Should be specifically itemized)
15. ☐ Certified Copy of Priority Document(s) (if foreign priority is claimed)
16. ☒ Request and Certification under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent.
17. ☒ Other: Express Mail Certificate

18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76.

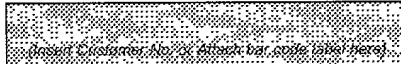
☐ Continuation ☐ Divisional ☐ Continuation-in-part (CIP)

of prior application No. _____

Prior application information

Examiner _____

Group Art Unit _____

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.**19. CORRESPONDENCE ADDRESS**☐ Customer Number or Bar Code Labelor ☒ Correspondence address below

Name	David L. McCombs				
Address	HAYNES AND BOONE LLP 901 Main Street, Suite 3100				
City	Dallas	State	TX	Zip Code	75202-3789
Country	USA	Telephone	(214) 651-5706	Fax	(214) 651-5940

Name (Print/Type)	Bill R. Naifeh	Registration No. (Attorney/Agent)	44,962
Signature		Date	5/24/01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Box Patent Application, Washington, DC 20231.

FEE TRANSMITTAL for FY 2001

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT (\$) 427.00

Complete if Known

Application Number	N/A
Filing Date	Herewith
First Named Inventor	Gregory Murphy
Examiner Name	n/a
Group Art Unit	n/a
Attorney Docket No.	28122.89

METHOD OF PAYMENT

1. ☐ The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to:

Deposit Account Number: 08-1394
 Deposit Account Name: Haynes and Boone, L.L.P.

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status See 37 CFR 1.27

2. ☒ Payment Enclosed:

☒ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description	Fee Paid
101 710	201 355	Utility filing fee	355.00
106 320	206 160	Design filing fee	
107 490	207 245	Plant filing fee	
108 710	208 355	Reissue filing fee	
114 150	214 75	Provisional filing fee	

SUBTOTAL (1) (\$) 355.00

2. EXTRA CLAIM FEES

Total Claims	Extra Claims	Fee from below	Fee Paid
28	-20** = 8.00	x 9	= 72.00
3	-3** = 0.00	x 0	= 0.00
Multiple Dependent			= 0.00

Large Entity Fee Code (\$)	Small Entity Fee Code (\$)	Fee Description
103 18	203 9	Claims in excess of 20
102 80	202 40	Independent claims in excess of 3
104 270	204 135	Multiple dependent claim, if not paid
109 80	209 40	** Reissue independent claims over original patent
110 18	210 9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 72.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Small Entity

Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Code (\$)	Fee Description	Fee Paid
105 130	205 65			Surcharge - late filing fee or oath	
127 50	227 25			Surcharge - late provisional filing fee or cover sheet	
139 130	139 130			Non-English specification	
147 2,520	147 2,520			For filing a request for <i>ex parte</i> reexamination	
112 920*	112 920*			Requesting publication of SIR prior to Examiner action	
113 1,840*	113 1,840*			Requesting publication of SIR after Examiner action	
115 110	215 55			Extension for reply within first month	
116 390	216 195			Extension for reply within second month	
117 890	217 445			Extension for reply within third month	
118 1,390	218 695			Extension for reply within fourth month	
128 1,890	228 945			Extension for reply within fifth month	
119 310	219 155			Notice of Appeal	
120 310	220 155			Filing a brief in support of an appeal	
121 270	221 135			Request for oral hearing	
138 1,510	138 1,510			Petition to institute a public use proceeding	
140 110	240 55			Petition to revive - unavoidable	
141 1,240	241 620			Petition to revive - unintentional	
142 1,240	242 620			Utility issue fee (or reissue)	
143 440	243 220			Design issue fee	
144 600	244 300			Plant issue fee	
122 130	122 130			Petitions to the Commissioner	
123 50	123 50			Petitions related to provisional applications	
126 240	126 240			Submission of Information Disclosure Stmt	
581 40	581 40			Recording each patent assignment per property (times number of properties)	
146 710	246 355			Filing a submission after final rejection (37 CFR § 1.129(a))	
149 710	249 355			For each additional invention to be examined (37 CFR § 1.129(b))	
179 710	279 355			Request for Continued Examination (RCE)	
169 900	169 900			Request for expedited examination of a design application	

Other fee (specify) _____

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0.00

SUBMITTED BY

Complete (if applicable)

Name (Print/Type)	Bill R. Naifeh	Registration No. (Attorney/Agent)	44,962	Telephone	(214) 651-5706
Signature		Date	5/24/01		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Murphy et al.

§
§
§
§
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§
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§
§

Docket Number:
28122.89

Serial No.: N/A

Filed: Herewith

Group Art Unit: Unknown

For: VENTRICULAR RESTORATION SHAPING
APPARATUS AND METHOD OF USE

Examiner: Unknown

Box Patent Application
Commissioner for Patents
Washington, D.C. 20231

EXPRESS MAIL CERTIFICATE

Express Mail Number: EL828064127US

Date of Deposit: May 24, 2001

I hereby certify that the following attached papers and fee:

1. Utility Patent Application Transmittal Sheet (in duplicate);
2. Fee Transmittal Sheet (in duplicate)
3. Patent Application consisting of: 30 pages of Specification, 28 Claims, 1 page of Abstract;
4. 17 informal drawing sheets;
5. A check in the amount of \$427.00 for filing fees;
6. Request and Certification under 35 U.S.C. 122(b)(2)(B)(i); and
7. Return Postcard.

are being deposited with United States Postal Service "Express Mail Post Office to Addressee" to the
Commissioner for Patents, Box Patent Application, Washington, D. C. 20231.

Fran Ideker

Typed or Printed Name



Signature

D-898839.1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Murphy et al.	§	Docket No.:	28122.89
		§		
Serial No.:	n/a	§	Examiner:	n/a
		§		
Filing Date:	Herewith	§	Art Unit:	n/a
		§		
For:	VENTRICULAR RESTORATION	§		
	SHAPING APPARATUS AND METHOD	§		
	OF USE	§		

Commissioner of the U.S. Patent
and Trademark Office
Box: Patent Application
Washington, D.C. 20231

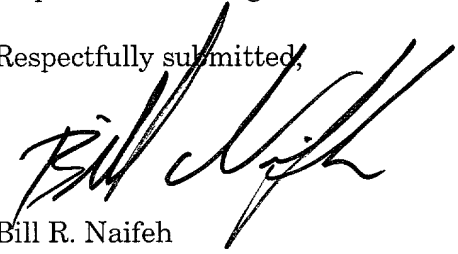
Dear Sir:

REQUEST FOR NON-PUBLICATION OF PATENT APPLICATION

Applicant hereby request non-publication at eighteen months from the filing date for the above-identified patent application as required in 35 U.S.C. § 122(b).

Bill R. Naifeh hereby certifies that the invention disclosed in the attached application, entitled VENTRICULAR RESTORATION SHAPING APPARATUS AND METHOD OF USE has not been and will not be the subject of an application filed in another country, or under a multilateral agreement, that requires publication at eighteen months after filing.

Respectfully submitted,


Bill R. Naifeh
Reg. No. 44,962

HAYNES AND BOONE, LLP
901 Main Street, Suite 3100
Dallas, Texas 75202-3789
Telephone: 214-651-5706
Facsimile: 214-651-5940
Attorney Docket No. 28122.89
D-899063.1